

1 Steven Morrisett (SBN 073424)
FINNEGAN, HENDERSON, FARABOW,
2 GARRETT & DUNNER, L.L.P.
Stanford Research Park
3 3300 Hillview Avenue
Palo Alto, California 94304
4 Telephone: (650) 849-6600
Facsimile: (650) 849-6666
5 Email: morrisett@finnegan.com

6 William S. Farmer, Jr. (SBN 46694)
COLLETTE, ERICKSON, FARMER & O'NEILL LLP
7 235 Pine Street, Suite 1300
San Francisco, CA 94104
8 Telephone: (415) 788-4646
Facsimile: (415) 788-6929
9 Email: wfarmer@collette.com

10 Attorneys for Defendants WINBOND ELECTRONICS
CORPORATION and WINBOND ELECTRONICS
11 CORPORATION AMERICA

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 In Re Dynamic Random Access Memory
17 (DRAM) Antitrust Litigation
18
19

20 This Document Relates to:

21 DIRECT PURCHASER ACTIONS
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Master File No. M-02-1486 PJH

**DECLARATION OF STEVEN H.
MORRISSETT IN SUPPORT OF
WINBOND DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Date: January 10, 2007
Time: 9:00 a.m.
Place: Courtroom 3, 17th Floor
Judge: Hon. Phyllis J. Hamilton

1 I, Steven H. Morrissett, declare as follows:

2 1. I am an attorney with the firm of Finnegan, Henderson, Farabow, Garrett & Dunner
3 L.L.P., counsel for Winbond Electronics Corporation and Winbond Electronics Corporation America
4 in this action. I am admitted to the Bar of the State of California. I make this affidavit on the basis
5 of my personal knowledge of the facts herein.

6 2. Attached as Exhibit 1 is a true and correct copy of the Expert Report of Roger G.
7 Noll, served on August 28, 2006.

8 3. Attached as Exhibit 2 is a true and correct copy of the Expert Report of Paul C. Liu,
9 served on August 28, 2006.

10 4. Attached as Exhibit 3 is a true and correct copy of the Third Consolidated Amended
11 Class Action Complaint, filed June 30, 2005, in Northern District of California.

12 5. Attached as Exhibit 4 is a true and correct copy of the December 1999 United States
13 International Trade Commission's Determination and Views on Investigation No. 731-TA-811,
14 DRAMs of One Megabit and Above from Taiwan (pages bearing Bates stamps WEC011183-
15 WEC011223).

16 6. Attached as Exhibit 5 is a true and correct copy of the International Trade
17 Commission: Static Random Access Memory Semiconductors From Taiwan; Notice of Final
18 Decision Affirming Remand Determination on Investigation Nos. 731-TA-762 (Federal Register,
19 Vol. 2, No. 67, 1/3/2002).

20 7. Attached as Exhibit 6 is a true and correct copy of WECA DRAM sales shipped to
21 the US from July 1, 1999-June 30, 2002 enclosed on CD bearing Bates stamp WECA42112. [Highly
22 Confidential – Filed Under Seal]

23 8. Attached as Exhibit 7 is a true and correct copy of MU00193220-1. [Highly
24 Confidential – Filed Under Seal]

25 9. Attached as Exhibit 8 is a true and correct copy of Kathy Radford Deposition Exhibit
26 10 (pages bearing Bates stamps MU00026836-7). [Highly Confidential – Filed Under Seal]

27 10. Attached as Exhibit 9 is a true and correct copy of MVC51419. [Confidential – Filed
28 Under Seal]

11. Attached as Exhibit 10 is a true and correct copy of certain pages from the Deposition of Daniel L. Donabedian (pp. 119-120). [Highly Confidential – Filed Under Seal]

12. Attached as Exhibit 11 is a true and correct copy of certain pages from the Deposition of Thomas C. Panacci (pp. 47-52). [Confidential – Filed Under Seal]

13. Attached as Exhibit 12 is a true and correct copy of certain pages from the Deposition of Kathy Radford (pp. 195-201). [Highly Confidential – Filed Under Seal]

14. Attached as Exhibit 13 is a true and correct copy of certain pages from the Deposition of Kun Chul Suh (pp. 24-25, 222-223). [Highly Confidential – Filed Under Seal]

15. Attached as Exhibit 14 is a true and correct copy of certain pages from the Deposition of Chae Kyun Chung (pp. 54-56). [Highly Confidential – Filed Under Seal]

16. Attached as Exhibit 15 is a true and correct copy of certain pages from the Deposition of Paul Palonsky (pp. 150-151). [Confidential – Filed Under Seal]

17. Attached as Exhibit 16 is a true and correct copy of certain pages from the Deposition of Hyun Jun Kim (p. 48). [Confidential – Filed Under Seal]

18. Attached as Exhibit 17 is a true and correct copy of certain pages from the Deposition of J.G. Nam (p. 59). [Confidential – Filed Under Seal]

19. Attached as Exhibit 18 is a true and correct copy of certain pages from the Deposition of John Bugee (p. 91). [Confidential – Filed Under Seal]

20. Attached as Exhibit 19 is a true and correct copy of certain pages from the Deposition of Guenter Hefner (p. 216). [Confidential – Filed Under Seal]

21. Attached as Exhibit 20 is a true and correct copy of certain pages from the Deposition of Peter Schaefer (p. 134). [Confidential – Filed Under Seal]

22. Attached as Exhibit 21 is a true and correct copy of certain pages from the Deposition of Steven Lawrence Wahl (p. 183). [Confidential – Filed Under Seal]

23. Attached as Exhibit 22 is a true and correct copy of certain pages from the Deposition of Jan Du Preez (pp. 30-35). [Highly Confidential – Filed Under Seal]

24. Attached as Exhibit 23 is a true and correct copy of certain pages from the 30(b)(6) Deposition of Frederick Joseph Smith (p. 28). [Confidential – Filed Under Seal]

25. Attached as Exhibit 24 is a true and correct copy of certain pages from the Deposition of Kenneth M. Hurley (pp. 51-52). [Confidential – Filed Under Seal]

26. Attached as Exhibit 25 is a true and correct copy of Roger G. Noll Deposition Exhibit 11.

27. Attached as Exhibit 26 is a true and correct copy of WEC002868-9. [Highly Confidential – Filed Under Seal]

28. Attached as Exhibit 27 is a true and correct copy of certain pages from the Deposition of Stefan Schauss. (pp. 94-98)

29. Attached as Exhibit 28 is a true and correct copy of the Deposition of Joe Chen. [Confidential – Filed Under Seal]

30. Attached as Exhibit 29 is a true and correct copy of the Class Action Complaint filed by Gregory M. Nespole on June 21, 2002 in Southern District of New York.

31. Attached as Exhibit 30 is a true and correct copy of a November 10, 2005, letter from Niall E. Lynch to William S. Farmer (page bearing Bates stamp WEC011739).

32. Attached as Exhibit 31 is a true and correct copy of certain pages from the deposition transcript of Roger G. Noll, taken September 25, 2006. (pp. 26-28; 144-145, 176-178, 184-201). [Highly Confidential – Filed Under Seal]

33. Attached as Exhibit 32 is a true and correct copy the October 2, 2006 Report of Professor Robert E. Hall. [Highly Confidential – Filed Under Seal]

34. Attached as Exhibit 33 is a true and correct copy of WECA35667-9. [Highly Confidential – Filed Under Seal]

35. Attached as Exhibit 34 is a true and correct copy of WECA17400-1. [Highly Confidential – Filed Under Seal]

36. Attached as Exhibit 35 is a true and correct copy of WEC004800-1. [Highly Confidential – Filed Under Seal]

37. Attached as Exhibit 36 is a true and correct copy of MU00099990-1. [Highly Confidential – Filed Under Seal]

38. Attached as Exhibit 37 is a true and correct copy of Micron's Third Supplemental Responses to Plaintiffs' Second Set of Interrogatories. [Confidential – Filed Under Seal]

39. Attached as Exhibit 38 is a true and correct copy of Joe Chen Deposition Exhibit 28 (pages bearing Bates stamps HSA: Tabrizi, F. 006137-51). [Highly Confidential – Filed Under Seal]

40. Attached as Exhibit 39 is a true and correct copy of Joe Chen Deposition Exhibit 33 (pages bearing Bates stamps HSA: Lee, S.S. 0053235-8). [Highly Confidential – Filed Under Seal]

41. Attached as Exhibit 40 is a true and correct copy of Ali Farahbod Deposition Exhibit 21 (pages bearing Bates stamps EMUS 155722-3). [Highly Confidential – Filed Under Seal]

42. Attached as Exhibit 41 is a true and correct copy of Charles Byrd Deposition Exhibit 27 (page bearing Bates stamp HSA: Byrd, C. 0400098). [Confidential – Filed Under Seal]

43. Attached as Exhibit 42 is a true and correct copy of Al Kassak Deposition Exhibit 17 (page bearing Bates stamp HSA: Kassak, A. 0007754). [Highly Confidential – Filed Under Seal]

44. Attached as Exhibit 43 is a true and correct copy of Al Kassak Deposition Exhibit 15 (page bearing Bates stamp HSA: Swanson, G. 0066826). [Highly Confidential – Filed Under Seal]

45. Attached as Exhibit 44 is a true and correct copy of Daniel L. Donabedian Deposition Exhibit 19 (page bearing Bates stamp EMUS 644723). [Highly Confidential – Filed Under Seal]

46. Attached as Exhibit 45 is a true and correct copy of Charles Byrd Deposition Exhibit 28 (pages bearing Bates stamps HSA: Byrd, C. 0400373-4). [Confidential – Filed Under Seal]

47. I reviewed the motions for preliminary approval of class action settlements in this matter filed by plaintiffs, including the Samsung and Infineon agreement filed on March 31, 2006, and the Hynix agreement, filed on April 28, 2006. Those agreements show that Samsung has agreed to pay \$67 million, Infineon \$20.75 million, and Hynix \$73 million.

48. Attached as Exhibit 46 is a true and correct copy of certain pages from the Deposition of Ronald Abruzzese. (pp. 40-42, 62-63, 87-88). [Confidential – Filed Under Seal]

49. Attached as Exhibit 47 is a true and correct copy of certain pages from the Deposition of Larry Gaddy. (pp. 71-73) [Confidential – Filed Under Seal]

50. Attached as Exhibit 48 is a true and correct copy of Roger G. Noll Deposition Exhibit 18 (pages bearing Bates stamps ITAG-00279304-7). [Highly Confidential – Filed Under Seal]

1 51. Attached as Exhibit 49 is a true and correct copy of WECA35667, WEC002869,
2 WECA003517, WECA19185.

3 52. Attached as Exhibit 50 is a true and correct copy of certain pages from the Deposition
4 of John Eideh (pp. 41-44, 73-78).

5 I declare under penalty of perjury under the laws of the United States that the
6 foregoing is true and correct to the best of my knowledge and belief, and that this declaration was
7 executed on October 13, 2006, in Palo Alto, California.

8
9 By: _____/s/_____
10 Steven H. Morrissett